



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Application for
Permit Amendment
or Ground Water
Registration Modification

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate Not Applicable. As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF APPLICATION

Please check one of the following:

- Permit Amendment
Ground Water Registration Modification

2. APPLICANT INFORMATION

Name: Orville Bierly
Address: 18865 SW Scholls Ferry Road
Beaverton OR 97007
Phone: (503) 628-1622
Fax: N/A
E-Mail address: N/A

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3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this application.)

Name: William Kness
Address: Stuntzner Engineering & Forestry, 2137 19th Ave.
Forest Grove OR 97116
Phone: N/A
Fax: 503-357-5698
E-Mail address: billkness@stuntzner.com

- If an agent is listed above, please check one of the following:
Please send all correspondence to Agent.
Please send all correspondence to Applicant.

Permit Amendments

- If you propose to amend multiple permits under this application, a separate set of pages 3 through 7 must be provided for each permit. (**NOTE: Concurrent changes to a water right must be filed separately on a transfer application.**)

Ground Water Registration Modifications

- You may propose modification of only one ground water registration per application, unless the ground water registrations to be modified are layered. See OAR 690-382-0300(2) for further information. (**NOTE: Concurrent changes to a water right must be filed separately on a transfer application.**)

4. TYPE OF AMENDMENT OR MODIFICATION PROPOSED

Please check **all** of the following that apply:

Point of Diversion or Appropriation	Place of Use	Character of Use
<p><input type="checkbox"/> Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the amendment or modification.)</p> <p><input type="checkbox"/> Additional (Both the old <i>and</i> new points of diversion or appropriation will be used for the portion of the water right affected by the amendment or modification.)</p> <p align="center"><u>Not Available for Ground Water Registrations</u></p> <p><input type="checkbox"/> Surface Water Diversion to Ground Water Appropriation (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will not be used.)</p>	<p><input type="checkbox"/> All of the Permit or Registration will be exercised at a different location than currently authorized (Use of water at the current authorized location will be discontinued.)</p> <p><input checked="" type="checkbox"/> Only a portion of the Permit or Registration will be exercised at a different location than currently authorized (Use of water at a <u>portion</u> of the current authorized location will be discontinued.)</p>	<p align="center"><u>Not Available for Permit Amendments</u></p> <p>Change existing authorized use to the following proposed <u>new</u> use:</p> <p><input type="checkbox"/> Irrigation</p> <p><input type="checkbox"/> Municipal</p> <p><input type="checkbox"/> Quasi-municipal</p> <p><input type="checkbox"/> Commercial</p> <p><input type="checkbox"/> Industrial</p> <p><input type="checkbox"/> Domestic (indicate number of households): _____</p> <p><input type="checkbox"/> Other _____</p>

- Reason(s) for amendment/modification(s): Need irrigation water for a 13.0 acre parcel of land south of Scholls Ferry Road.

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5. CURRENT PERMIT OR REGISTRATION INFORMATION

Permit or Registration to be Amended/Modified (*check and complete **one** of the following*):

<input type="checkbox"/> Permit to be Amended:	_____	_____
	Permit Number	Current Completion Date of Permit
<input checked="" type="checkbox"/> Ground Water Registration to be Modified:	<u>GR-2954</u>	<i>NOTE: Concurrent changes to a water right must be filed separately on a transfer application.</i>
	Ground Water Registration Number	

▪ Name on Permit or Registration: Orville L. & Hubert F. Bierly

▪ County: Washington

▪ Authorized Use(s) to be affected by this Amendment/Modification: Irrigation

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▪ Priority Date(s): 4/30/1950

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If there are multiple Priority Dates identified on the Permit or Registration, any information provided on pages 4 through 7 must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

▪ All Source(s) of Water to be affected by this Amendment/Modification: N/A

Tributary to: _____

If there are multiple Sources listed on the Permit or Registration, any information provided on pages 4 through 7 must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For an application proposing a Change in Place of Use or Character of Use:

▪ Are there any other “Layered” Water Rights, Permits, or Ground Water Registrations issued for **Irrigation** purposes that are appurtenant to the same place of use as the Permit or Registration being Amended/Modified? Yes No N/A -No Change in Use or Place of Use

If “Yes”, the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5). See ORS 540.510, OAR 690-380-2240 and OAR 690-382-0200 for further information.

▪ Remarks: Jim Baggenstos is the operator who farms the land owned by Mr. Bierly.

Please include Mr. Baggenstos on copies of correspondence related to this application.

Address: 15801 SW Roy Rogers Road, Sherwood, OR 97140

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The following information must be provided only for those points of diversion or appropriation that are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing permit or ground water registration.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion/appropriation that will be affected by the proposed amendment/modification or the authorized point(s) of diversion or appropriation that serves the lands being transferred, if applicable)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
WASH 12375	GW 4/30/50	2S	2W	WM	1	NE SE		75' South & 1000' West of East ¼ Corner of Sec. 1

- Does the permit/registration being amended/modified involve a ground water source(s)?
 - Yes No (*Surface water source only.*)

If “Yes”, for each authorized point of appropriation (well) involved, you must either:

- A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map.

(NOTE: You may search for well logs on the Department’s website at: www.wrd.state.or.us)

or

- B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Well Log Attached									

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6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

- Describe proposed changes to the permit or registration involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation: (i.e., the "TO" point(s) of diversion/appropriation)
 (NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and **clearly label** the corresponding well log(s) for each proposed well, **or** if well log(s) are **not** available, describe the construction of the well(s) using the table below.

(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s): N/A

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the Permit(s) or Registration(s) proposed for amendment/modification located within or served by an irrigation or other water district? Yes No
- Will any of the Permit(s) or Registration(s) be located within or served by an irrigation or other water district after the proposed amendment/modification? Yes No
- Is water for any of the Permit(s) or Registration(s) supplied under a water service agreement or other contract for stored water with a federal agency? Yes No

If "Yes", for any of the above, list the name and mailing address of the district and/or agency:

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the right(s) are located).

Washington County, 155 N. First Ave., Ste. 130, Hillsboro, OR 97124

8. PERMIT HOLDER OF RECORD

*This section is to be completed **only** for Permit Amendment applications.*

N/A – This is a Ground Water Registration Modification application.

- Is the applicant the permit holder of record? Yes No

If "No", the applicant must either:

A. Be assigned as a permit holder of record by submitting a completed **Request for Assignment** form and the required statutory fee for an assignment;

or

B. Submit an **Affidavit of Consent** from the permit holder of record that gives permission for the applicant to amend the permit.

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9. LAND OWNERSHIP

For a Permit Amendment proposing a Change in Place of Use: N/A

- Does the permit holder of record own or control the land **TO** which the place of use is being moved? Yes No

If "**No**", the owner of the land **TO** which the place of use is being moved **must be assigned to the permit as a permit holder of record** by submitting a completed **Request for Assignment** form and the required statutory fee for an assignment.

- Check one of the following:
 - The permit holder of record will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to the permit holder of record.
 - The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

For a Ground Water Registration Modification:

- Does the applicant own the lands **FROM** which the registration is being moved? Yes No

If "No", provide the following information:

Names of Current Landowner(s): _____
First Last

Address: _____

City State Zip

- Does the applicant own the lands **TO** which the registration is being moved? Yes No

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City State Zip

- Check one of the following:
 - The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
 - The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

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10. ATTACHMENTS

*Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.*

Map:

- A map meeting the requirements of OAR 690-380-3100 must be included but need **not** be prepared by a Certified Water Right Examiner.

Land Use Information Form:

- Enclosed; **or**
- Not required if **all** of the following are met:
- ❶ In EFU zone or irrigation district;
 - ❷ Change in place of use only;
 - ❸ No structural changes needed, including diversion works, delivery facilities, other structures; **and**
 - ❹ Irrigation only.

Water Well Reports/Well Logs:

- The application involves a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- N/A. The application does **not** involve a change in point of appropriation or a change from surface water to ground water, so water well reports are **not** required. See Page 4 →GW Reg. Modif. req.s a well log so I will attach.

Fees:

- Amount enclosed: \$ 350.00
See the Department's Fee Schedule at www.wrd.state.or.us/OWRD/PUBS/forms.shtml or call (503) 986-0900.

For Permit Amendments or GW Reg. Modification

Request for Assignment:

- Enclosed. The applicant is **NOT** the permit holder of record and needs to be assigned to the permit; **OR** the landowner of the proposed place of use is **NOT** the permit holder of record and needs to be assigned to the permit.

*The Request for Assignment form is available online at: www.wrd.state.or.us/OWRD/PUBS/forms.shtml ; **or***

- N/A. The applicant is the permit holder of record and owns or controls the proposed place of use; **OR** the applicant is **not** the permit holder of record but **is** supplying an Affidavit of Consent from the permit holder.

Affidavit of Consent:

- Enclosed. Because the applicant is **NOT** the permit holder of record, an Affidavit of Consent is being supplied that gives permission for the applicant to amend the permit; **or**
- N/A. Not required because the applicant is the permit holder of record.

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Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all persons listed as the applicant.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

11. SIGNATURES

- **For Ground Water Registration Modification Applications only, check the appropriate one and sign the application in the signature box below:**

In accordance with OAR 690-382-0400(16)(a), I (we) understand that prior to Department approval of a modification and upon my receipt of a draft Preliminary Determination, I (we) will be required to provide the following landownership information and evidence demonstrating that I (we) am authorized to pursue the modification:

- (a) A report prepared by a title company that includes a legal description of the subject lands (i.e. the "from" lands or lands to be affected by the modification) and lists who the landowner(s) was:
- Within 3 months of issuance of the draft Preliminary Determination (unless there is a recorded water right conveyance agreement) **OR**
 - Within 3 months of the recording of any water right conveyance agreement on the subject lands, if applicable, or show ownership at the time the water right conveyance was recorded (also include a copy of the recorded conveyance agreement).

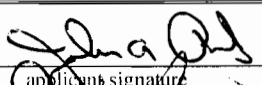
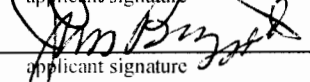
AND

- (b) Notarized statements consenting to the modification signed by all persons, other than the applicant, who are named on or assigned to the ground water registration, who are landowners identified in the ownership report, or who are authorized representatives to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement. Other documentation demonstrating that the applicant is authorized to pursue the modification may be submitted in the absence of consent.

I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-382-0400(16)(b), the applicant is **NOT** required to provide the above described report of ownership information.

I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the ground water registration proposed for modification is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-382-0400(16)(c), the applicant is **NOT** required to provide the above described report of ownership information. (NOTE: Such an entity may only apply for recognition of a modification under this subsection if it has filed a condemnation action to acquire the property and deposited the funds with the court as required by ORS 35.265.)

- **For both Permit Amendment and Ground Water Registration Modification Applications, I (we) affirm that the information contained in this application is true and accurate.**

 applicant signature	John A. Birkley name (print)	12/5/2009 date
 applicant signature	Jim Baggens name (print)	12/5/09 date

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